

## REMARKS

### **I. Introduction**

Claims 13, 14, 17 to 19, 22, 27, 29 to 40 and 42 to 45 are pending in the present application. In view of the following remarks, it is respectfully submitted that the present application is in condition for allowance, and reconsideration is respectfully requested.

### **II. Rejection of Claims 13, 22, 27, 35, 37, 39 and 42 to 45 Under 35 U.S.C. § 102(b)**

Claims 13, 22, 27, 35, 37, 39 and 42 to 45 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,600,247 ("Matthews"). It is respectfully submitted that Matthews does not anticipate the present claims for at least the following reasons.

As an initial matter, the Office Action's reference to col. 4, lines 1 to 25 of Matthews is not understood, since this cited portion of Matthews corresponds to a portion of the section captioned "BRIEF DESCRIPTION OF THE DRAWINGS" referring to Figures 7 to 14, the section heading "DETAILED DESCRIPTION OF THE INVENTION" and the first line of the section captioned "DETAILED DESCRIPTION OF THE INVENTION." Clarification is respectfully requested.

As another initial matter, the allegation of inherency is not understood, since the Office Action does not make clear that which is considered to be inherent. Clarification is therefore respectfully requested.

Regarding Matthews, the Office Action refers to and reproduces Figure 3 and refers to resistors 38, 40 and sense resistor 50. However, these components are plainly components of the battery-pack 30. Referring to Figure 2, Matthews states at col. 4, lines 61 to 64 that the battery-pack 30 and the charger 22 are isolated and disconnectable and that any information regarding the battery must be contained within the battery-pack 30. This is in stark contrast to claim 13, for example, which recites that a set includes a battery charger that includes a circuit adapted to set electrical charge parameter(s) and that the circuit of the battery charger sets the electrical charge parameter(s) in accordance with a reference signal that has a value that depends on a resistance of a resistor in an arrangement outside of the battery charger.

There is no indication whatsoever in Matthews that charger 22 includes a circuit that sets electrical charge parameter(s) based on values of resistance of any of the resistors 38, 40 and 50 upon connection of charger 22 to battery-pack 30. While there is a

line shown in Figure 3 between CHG output of battery capacity detect circuit and charger 22, the only mention of CHG output appears in col. 9, lines 23 to 28, to wit:

Whenever the voltage on the SB input is greater than or equal to the MCV threshold, an indication is provided on the CHG output, which output can be then sent to the charger. If the voltage on the SB input falls below 0.1 volt, this is recognized as a “battery removed” condition.

There is no mention or indication whatsoever as to whether the indication provided on the CHG output is in any manner based on, dependent on or otherwise related to resistances of any of the resistors 38, 40, 50. Thus, Matthews plainly fails to disclose, or even suggest, that charge parameter(s) are set by a circuit of a battery charger in accordance with a reference signal having a value dependent on a resistance of a resistor.

In view of the foregoing, it is readily apparent that Matthews fails to disclose, or even suggest, all of the features included in claim 13. As such, it is readily apparent that Matthews does not anticipate claim 13.

Independent claims 37 and 39 include features analogous to features included in claim 13. As such, it is respectfully submitted that Matthews does not anticipate claims 37 and 39 for at least the reasons more fully set forth above.

Referring to claim 22, claim 22 recites that a connection element, which is removable from a battery charger and a battery unit, includes connection terminals adapted to connect at least one resistor of the connection element to a circuit of the battery charger and to deliver reference signals between the connection element and the circuit of the battery charger. The Office Action does not even allege that Matthews discloses these features. Indeed, as mentioned above, Matthews states that the battery-pack 30 and the charger 22 are isolated and disconnectable. There is no disclosure or suggestion by Matthews of a connection element that is removable from battery 10 as well as removable from the charger 22. Furthermore, to the extent that resistors 38, 40, 50 might be considered to be connected to charger by connection terminals, there is no disclosure or suggestion by Matthews that reference signals are delivered between a connection element, which is removable from a battery charger and a battery unit, by connection terminals that connect any of resistors 38, 40, 50 to charger 22. As such, it is readily apparent that Matthews fails to disclose, or even suggest, all of the features included in claim 22. It is therefore respectfully submitted that Matthews does not anticipate claim 22.

In summary, it is respectfully submitted that Matthews does not anticipate any of independent claims 13, 22, 37 and 39.

As for dependent claims 27, 35 and 42 to 45, it is respectfully submitted that Matthews does not anticipate these dependent claims for at least the reasons more fully set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**III. Rejection of Claims 14, 17 to 19, 29 to 32 and 34 to 40 Under 35 U.S.C. § 103(a)**

Claims 14, 17 to 19, 29 to 32 and 34 to 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Matthews and U.S. Patent No. 5,535,274 ("Braitberg et al."). It is respectfully submitted that the combination of Matthews and Braitberg et al. does not render unpatentable the present claims for at least the following reasons.

Referring to independent claims 37 and 39, as more fully set forth above, Matthews does not disclose, or even suggest, all of the features included in these independent claims. Braitberg et al. are not relied upon for disclosing or suggestion the features of claims 37 and 39 that are not disclosed or suggested by Matthews. As such, it is respectfully submitted that the combination of Matthews and Braitberg et al. does not render unpatentable independent claims 37 and 39.

As for dependent claims 14, 17 to 19, 29 to 32, 34 to 36, 38 and 40, it is respectfully submitted that Braitberg et al. do not cure the critical deficiencies of Matthews. As such, it is respectfully submitted that the combination of Matthews and Braitberg et al. does not render unpatentable dependent claims 14, 17 to 19, 29 to 32, 34 to 36, 38 and 40 for at least the reasons more fully set forth above.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,

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